

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

| | | |
|------------------------|---|------------------------|
| JULIUS JONES, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| -vs- |) | Case No. CIV-07-1290-D |
| |) | |
| RANDY WORKMAN, Warden, |) | |
| |) | |
| Respondent. |) | |

MOTION FOR LEAVE TO FILE SUPPLEMENTAL AUTHORITY

Comes now the Respondent, by and through the Attorney General of the State of Oklahoma, and seeks leave of Court to file a seven page supplemental brief containing new Supreme Court authority relevant to Petitioner's ineffective assistance of counsel claims. According to Rule 15(d) of the Federal Rules of Civil Procedure, "On motion and reasonable notice, the court may, on just terms, permit a party to serve a supplemental pleading setting out any transaction, occurrence, or event that happened after the date of the pleading to be supplemented." On January 19, 2011, the Supreme Court decided a case that clarified the standard of review to be used by federal courts reviewing claims of ineffective assistance of counsel that were denied on the merits in state court. Harrington v. Richter, --- S.Ct. ---, 2011 WL 148587 (Jan. 19, 2011). The Court also clarified the standard to be used in determining whether a petitioner was prejudiced by counsel's performance. Petitioner has raised a number of ineffective assistance of counsel claims. Accordingly, Respondent believes that a short supplemental brief discussing the Richter case will be helpful to this

Court's determination of Petitioner's claims. Counsel for Petitioner has advised the undersigned that he does not object to this request.

Respectfully submitted,

s/Jennifer L. Strickland

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ATTORNEY FOR RESPONDENT

CERTIFICATE OF SERVICE

X I hereby certify that on this 26th day of January, 2011, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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s/Jennifer L. Strickland

JENNIFER L. STRICKLAND